

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5750 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D S VYAS

Versus

GUJARAT STATE FERTILIZERS CO. LTD.

Appearance:

MR SR BRAHMBHATT for Petitioner

MR SM MAZGAONKAR for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/08/97

C.A.V. JUDGEMENT

1. The petitioner, an ex-employee of the respondent, Gujarat State Fertilizers Co. Ltd. at Baroda, filed this special civil application against the contemplated action of the respondents of dismissal of the petitioner from the services.

2. The counsel for the respondents raised a preliminary objection that the Gujarat State Fertilizers

Co. Ltd., Baroda, is not a State or an agency of State or an instrumentality of State within the meaning of Article 12 of the Constitution of India, and as such, it is not amenable to the writ jurisdiction of this Court. In support of this contention, the counsel for the respondents placed reliance on the decision of this Court in the case of G.S.F.C. Ltd. vs. Association of Officers, G.S.F.C. reported in 1995 (2) GLH 179.

3. The learned counsel for the petitioner submits that he is not aware of the decision of this Court on which the reliance has been placed by the counsel for the respondents.

4. This Court in the case of G.S.F.C. Ltd. vs. Association of Officers, G.S.F.C. (supra) has held that the Gujarat State Fertilizers Corporation Ltd. is not a State or an authority under Article 12 of the Constitution of India. In view of this Division Bench decision of this Court (supra), this petition is not maintainable.

5. The Special Civil Application is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

zgs/-